

REMARKS/ARGUMENTS

Claims 1, 10-15 are pending. In the Office Action, the Examiner rejected claim 1 under 35 USC §103(a) as being unpatentable over Touch, J., "The X-Bone", USC/ISI NGI Workshop Whitepaper (March 1997) in view of a description of unicasting in the background section of the present invention. The Examiner also rejected claims 12-13 over those references in combination with Amir, E., et al., "An Application Level Gateway", rejected claims 1, 10 and 14-15 under 35 USC §103(a) as being unpatentable over Hodel, H., "Policy Tree Multicast Routing" and the description of unicasting in the background section of the present invention, and rejected claim 11 under 35 USC §103(a) as being unpatentable over Hodel in view of Decasper, D., "Router Plug-Ins: A Software Architecture for Next Generation Routers".

Applicant submits that claim 1, as amended, is allowable over the references, taken alone or in combination, as they do not disclose or suggest each element of the claimed invention. For example, claim 1 recites "instructions for determining, for each computer associated with the overlay group, whether the computer is to be transferred the information using multicasts or unicasting based on a request from the computer indicating a transport preference", "instructions for routing the received information to the computers having requested a multicast connection using the native routing protocol to provide the information by multicasting" and "instructions for routing the received information to the computers having requested a unicast connection using the native routing protocol to provide the information by unicasting."

In combining the references, the Examiner cites to Touch as teaching a multi-cast overlay network and description in the background section of the present application describing broadcasting through the use of unicast routing with each route comprising a connection between a broadcaster and one unicast receiver. Touch does not appear to disclose or suggest that an overlay router can be modified to include instructions as claimed to accommodate both multicast clients and unicast clients for the same streams. The cited portions of the background also do not describe such instructions or suggest that a device would have such instructions. While unicasting and multicasting are both clearly prior art, none of the references appear to even

contemplate that an overlay routing processor would be configured to associate computers with overlay groups and route data according to those overlay groups, while allowing for multicasting and unicasting of streams.

Amir and Hodel do not make up for these elements missing from the other prior art. Amir relates to M-Bone overlays. While that reference mentions both unicasting and multicasting, the unicasting is in the context of tunneling from one video gateway to another, not between clients and video gateways while also multicasting to other clients. Hodel is directed to optimizing multicasting and delivery trees and does not appear to mention that one can connect to a multicast device using unicast to obtain the multicast stream.

Therefore, claim 1 and claims 10-15 dependent therefrom are allowable over the cited references and withdrawal of the rejection is respectfully requested.

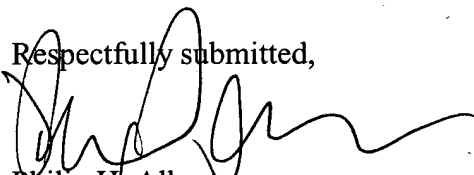
CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Dated: _____

9/6/05

Respectfully submitted,



Philip H. Albert
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 Fax: 415-576-0300
PHA:djb
60580443 v1